

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANGUIANO, JESUS, #31378013;
MARTINEZ, RUDY, #17457424;
MUNEZ-MEDINA, OSCAR, # 83149008,

Plaintiffs,

v.

No. CIV 11-0591 JB/LAM

ERIC HOLDER, U.S. ATTORNEY
GENERAL; U.S. BUREAU OF PRISON;
CIBOLA CORRECTIONAL CENTER;
CORRECTIONS CORPORATION OF
AMERICA; AND MR. LEE VAUGHN,
WARDEN OF CIBOLA CORRECTIONAL
CENTER,

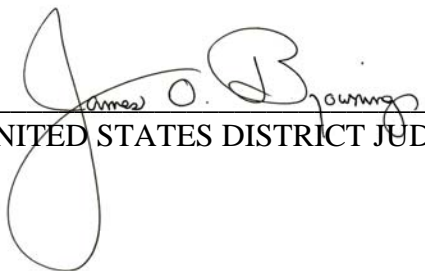
Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915(b) and to Make Payments or Show Cause, filed February 8, 2012 (Doc. 7)(“Order”). In the Order, the Honorable Lourdes A. Martinez, United States Magistrate Judge, required the Plaintiffs to make an initial partial payment toward the filing fee. See Order at 1. Judge Martinez notified the Plaintiffs that failure to comply with the Order could result in dismissal of the Motion Challenging Conditions of Incarceration and Violation of Petitioner’s [sic] Rights Under the Religious Land Use and Institutionalized Persons Act (RLUIPA); and First and Fourteenth Amendment Pro Se, filed July 6, 2011 (Doc. 1)(“Complaint”). Order at 1. Judge Martinez gave the Plaintiffs thirty days from the entry of the Order to comply. See Order at 1. Thirty days have now passed, and the Plaintiffs have not responded to the Order or otherwise shown cause to excuse the failure. Failure to comply with court orders or statutory requirements, or to show cause for excusing

the failure, constitutes grounds for dismissing a complaint. See Baker v. Suthers, 9 F.App'x 947, 950 (10th Cir. 2001)(unpublished)(“Under the circumstances, we cannot say that the district court abused its discretion in dismissing Mr. Baker’s complaint without prejudice for failure to pay the initial partial filing fee or show a legitimate or acceptable cause for not paying.”). The Court will dismiss the Plaintiffs’ Complaint without prejudice.

IT IS ORDERED that the Plaintiffs’ Motion Challenging Conditions of Incarceration and Violation of Petitioner’s [sic] Rights Under the Religious Land Use and Institutionalized Persons Act (RLUIPA); and First and Fourteenth Amendment Pro Se, filed July 6, 2011 (Doc. 1), is dismissed without prejudice, and this action is dismissed.



UNITED STATES DISTRICT JUDGE

Parties:

Jesus Anguiano
Cibola County Correctional Center
Milan, New Mexico

Plaintiff pro se

Rudy Martinez
Cibola County Correctional Center
Milan, New Mexico

Plaintiff pro se

Oscar Munez-Medina
Cibola County Correctional Center
Milan, New Mexico

Plaintiff pro se